

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 20, 2018

The Honorable Arthur A. Elkins, Jr.
Inspector General
Environmental Protection Agency
1200 Pennsylvania Avenue NW (2410T)
Washington, D.C. 20460

Dear Mr. Elkins:

The Committee is aware of reports of concerning conduct by Chemical Safety Board (CSB) Board Member Rick Engler, namely inappropriate use of official government resources for restricted lobbying activities. Engler forwarded an email from the New Jersey Work Environment Counsel (WEC), an alliance of environmental and labor organizations, and a flier to the three other CSB Board Members on April 27, 2017.¹ The flier directs recipients to call or write Members of Congress to ask them to vote to maintain funding for the CSB and includes contact information for Members of the House of Representatives and the Senate.² My staff has been told the flier's digital signature names him as the author, and the signature at the bottom of Engler's own email identifies him as "Member, U.S. Chemical Safety Board."³ Additionally, an email allegedly sent "on behalf of Engler" containing a news article describing a letter from Members of Congress that requests continued funding for CSB was sent to an advocacy organization listserv.⁴ The article includes a quote from Engler, who calls the letter "encouraging."⁵

Engler's alleged participation in the distribution of this material, including a clear directive to recipients to contact Members of Congress and urge them to take a specific action, and his potential role in its development are disconcerting. If substantiated, these actions appear to implicate federal provisions restricting lobbying activities by federal officials. In light of this possible breach of federal anti-lobbying provisions, I request that your office investigate this matter and advise the Committee as to whether these actions by a CSB Board Member violated any federal law or practice.

¹ Charles S. Clark *Effort to Save Agency from Budget Ax Draws Allegations of Wrongful Lobbying*, GOV'T EXECUTIVE, May 30, 2017, <http://www.govexec.com/management/2017/05/effort-save-agency-budget-ax-draws-allegations-wrongful-lobbying/138250/>; Michael Bastasch, *Exclusive: Obama Holdover Colluded with Unions to Pressure Congress on Budget Cuts*, DAILY CALLER, May 21, 2017, <http://dailycaller.com/2017/05/21/exclusive-obama-holdover-colluded-with-unions-to-pressure-congress-on-budget-cuts/>.

² N.J. Env't Council, *Stand Up for Chemical Safety* (Apr. 2017), available at https://cdn.govexec.com/media/gbc/docs/pdfs_edit/052617csb.pdf (linked by *Government Executive*); Clark, *supra* note 1. **Error! Bookmark not defined.** (quoting and providing a link to the flier Engler reportedly forwarded).

³ Bastasch, *supra* note 1 (quoting another source).

⁴ *Id.* (quoting another source). See also Scott Fallon, *Bipartisan N.J. Pols Try to Stop Trump Safety Board Cut*, NORTHJERSEY.COM, May 1, 2017 (describing the letter from several New Jersey Members of the House of Representatives).

⁵ Fallon, *supra* note 4. See also Bastasch, *supra* note 1 (quoting another source).

As you investigate this issue, please coordinate with the Government Accountability Office (GAO) to share your findings and information learned in the course of your review. The GAO is charged with investigating “all matters related to the receipt, disbursement, and use of public money.”⁶ The GAO also has the authority to issue decisions on the obligation and expenditure of appropriated funds⁷ and on appropriations law matters.⁸ As such, I ask that you work with the GAO to assist their oversight of this agency’s activities and use of federal funds.

Please contact Christen Harsha of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Blake Farenthold
Chairman
Subcommittee on the Interior, Energy,
and Environment

cc: The Honorable Stacey E. Plaskett, Ranking Minority Member
The Honorable Gene L. Dodaro, Comptroller General of the United States

⁶ 31 U.S.C. § 712(1) (2012).

⁷ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-06-1064SP, PROCEDURES AND PRACTICES FOR LEGAL DECISIONS AND OPINIONS 3 (2006) (citing 2 U.S.C. §§ 142b, 142e, 1421, 1904; 28 U.S.C. § 613; 31 U.S.C. §§ 3527—3528).

⁸ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-15-360T, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: VIOLATION OF ANTI-LOBBYING PROVISION AND THE ANTIDEFICIENCY ACT 1 (2015) (citing 31 U.S.C. §§ 3526—3529).